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INFO RUEHDS/AMEMBASSY ADDIS ABABA PRIORITY 8971  
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RUEHKM/AMEMBASSY KAMPALA PRIORITY 1721  
RUEHLO/AMEMBASSY LONDON PRIORITY 2079  
RUEHFR/AMEMBASSY PARIS PRIORITY 2048  
RHMFISS/CJTF HOA PRIORITY  
RHMFISS/CDR USCENTCOM MACDILL AFB FL PRIORITY

C O N F I D E N T I A L NAIROBI 005129

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SUBJECT: POLITICAL PARTIES IN DISARRAY, OPPOSITION SMELLS A  
GOVERNMENT RAT

REF: A. NAIROBI 5099

[1](#)B. NAIROBI 3973

Classified By: Political Counselor Larry Andre for reasons 1.4 (b,d)

[1](#)1. (C) SUMMARY: On the heels of the hostile takeover in Kenya's KANU party, members of the (mostly pro-government) FORD-K party attempted a similar coup. The original leaders in both cases received support November 30; KANU's Kenyatta from Parliament and FORD-K's Kombo from the High Court. In another setback for the government, the East African Legislative Assembly backed the opposition by refusing to seat the government's nominees. The opposition claims the repeated "coup" attempts are part of a government plan to destabilize parties ahead of next year's general election, setting up a dummy opposition from which to cull members for the Electoral Commission, and then calling snap elections in the summer. Meanwhile, former President Moi is planning emergency travel to Germany to treat an aneurism. END SUMMARY.

DEJA VU

[1](#)2. (SBU) On November 29, in a development mirroring that of the KANU "coup" (ref A), Housing Minister Soita Shitanda had himself and some colleagues elected as the new leadership of the FORD-Kenya party, ousting Chairman and Local Government Minister Musikari Kombo. On November 30, the Kenyan High Court, responding to a quick suit by Kombo, blocked the Registrar of Societies from accepting the new names, ruling that the new officers had not been chosen in accordance with the FORD-K constitution. The Registrar is the same body that on November 28 accepted a rival slate of officers for the KANU party lead by Nicholas Biwott, the face of Moi-era corruption and brutality (ref A). The KANU takeover will require either court action or deregistration by the registrar to be undone. However, KANU (former) chairman Uhuru Kenyatta was granted a reprieve in Parliament when the Deputy Speaker of the House declared on November 30 that Kenyatta remains Leader of the Official Opposition. Parliamentary rules, which are independent of the Registrar, favor Kenyatta. (Press coverage December 1 noted that the Societies Act that governs the Registrar provides that official with the power to request evidence if he or she believes there is a dispute among the members or officers of a society concerning the leadership. It beggars belief that the Registrar was unaware of Uhuru Kenyatta's claim to

leadership of KANU.)

#### KANU FIGHTS BACK, GAINING MORE GOOD COVERAGE

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13. (C) On December 1, Opposition Chief Whip and Kenyatta's right-hand man MP Justin Muturi told poloff the afternoon of December 1 that KANU was still determined to take its case to the government, as MPs and supporters marched to the Registrar's office to demand a retraction. Emboffs learned that Uhuru had moved to the office with a crowd of supporters and planned to "camp out" at the office until closing time--surely generating more good television coverage.

#### ELABORATE GOVERNMENT PLAN?

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14. (C) On November 30, Muturi had alleged to poloff that the rogue registration for KANU was a government move orchestrated by Justice and Constitutional Affairs Minister Martha Karua, under whose authority the Registrar falls. Muturi explained that the government, by setting up a dummy opposition, could ensure that commissioners sympathetic to the government would be named when consultations with KANU are held to appoint new members of the Electoral Commission of Kenya (ECK), when the current "opposition" commissioners' terms expire (ref B). Muturi commented that for the government to be taking such steps so far out from the expected election could only mean the government was planning to call a snap election. If the election is conducted while the opposition is in disarray, the government's chances of success are greater. Opposition MP Kiema Kilonzo voiced the same suspicion, predicting to poloff it might happen in June or July, after the government has had a chance to "stock" the

ECK. Muturi said he was confident the registration move against the Kenyatta team would prove to be a mistake as public opinion turns against State House.

#### IT DOESN'T STOP THERE

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15. (SBU) A similar attempt to squelch the opposition voice was thwarted when the East African Court of Justice disallowed Kenya's nominees to the East African Legislative Assembly stating that the names were submitted without sufficient consultation with opposition parties. Reacting to the move while in Arusha, Tanzania for the East African Community Summit, Kibaki decried the action as an affront to Kenya's sovereignty. In what may be another effort to consolidate power while muzzling potential detractors, some pro-government MPs called this week for the removal of NARC Chairman and Minister of Health Charity Ngilu. Ngilu has been criticized for not making clear her position on NARC-Kenya, now essentially the government party.

#### MOI SERIOUSLY ILL

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16. (C) We learned December 1 that former President Moi is seeking to arrange immediate travel to Germany. He is apparently suffering from an "expanding aortic aneurism." At one point his doctor was planning to bring him to the U.S. for treatment (we were prepared to issue the visa), but ultimately decided that was not medically advisable. Moi's original application was to go to the UK. We understand the British High Commission recommended visa issuance, but London said "no." Interestingly, Moi is generally thought to have been involved in helping to orchestrate the KANU "coup" in favor of Biwott.

#### GOVERNMENT CLAIMS INNOCENCE

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17. (C) The government, in scornful statements from Justice Minister Karua, has denied any role in tinkering with Kenya's parties. During an aside with the Polcouns on the margins of

Senator Feingold's meeting with President Kibaki, the President's chief of staff also claimed there was no government involvement in the KANU coup.

18. (C) COMMENT: Despite government protestations of innocence, politicians, observers, and ordinary Kenyans are largely unconvinced. The three developments in combination -- KANU, FORD-K, and EALA - send a negative signal about how the GOK intends to manage the run-up to the 2007 election. The people of Kenya may insist otherwise. Moreover, the action of the Deputy Speaker in defense of Kenyatta's role as the official leader of the opposition indicates that elements of the political class both in and out of the government are prepared to resist moves to undermine Kenya's democratic gains. END COMMENT.  
RANNEBERGER